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LETTER DATED 22 DECEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF EGYPT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith the Cairo Declaration on Somalia signed by the Somali leaders today in concluding their meetings in Cairo aimed at achieving Somali national reconciliation and the formation of a central Government in Somalia.

You are kindly requested to issue the text of the Declaration as a document of the Security Council.

(Signed) Nabil ELARABY
Ambassador
Permanent Representative

97-37730 (E) 221297

/...

Annex

Cairo Declaration on Somalia

The undersigned political leaders of the Republic of Somalia, in an effort to achieve peace and reconciliation within our beloved country, having met in Cairo from 12 November to this 22nd day of December 1997, hereby affirm and solemnly declare and pledge ourselves to the following principles and actions:

Whereas, the undersigned Somali leaders desire lasting peace, stability and an end to the conflict and civil war in Somalia; and

Whereas, we recognize these Cairo talks as unique in nature and result, as embodying Somalia's national and individual aspirations, and as unifying all the socio-political forces of our country; and

Whereas, we have jointly and with the spirit of brotherhood and common responsibility discussed all relevant issues consistent with national reconciliation, restoration of unity, and social harmony in Somalia; and

Whereas, we are deeply saddened over the immense suffering, destruction and devastation inflicted upon the Somali people during the years of civil strife, and aware of the magnitude of such problems, including the lack of progress and development, the dysfunction of all basic services, and total non-existence of state institutions; and

Whereas, we agree to set aside our differences for the common good of our people and wish to embark on a new path towards national unity and re-establishment of the basic rights, aspirations and freedom of the Somali people; and

Whereas, we declare our rejection of violence, threat and use of force as means to achieve political and social goals, and therefore, we have decided unanimously to cease fire, [and on a] cessation of all hostilities and disengagement of opposing forces; and

Whereas, we reiterate our firm belief in the principles of democracy, equality, social justice and the constitutional guarantees of individual human rights as provided by international conventions and declarations; and

Whereas, there is a need and desire for the re-establishment of the rule of law and the institution of a federal democratic system of governance; and

Whereas, realizing the strong will of the Somali people to enjoy their God-given birthrights under the sovereign State of Somalia; and

Whereas, the undersigned recognize the need for a transitional mechanism of national authority until the succeeding constitutional Government is instituted by the people of Somalia. The Transitional Government will be based on a system of federal governance and will carry out its functions and responsibilities, within the transitional period; and

Whereas, the undersigned further recognize the importance of individual responsibility to create an atmosphere of peace and harmony; and

Whereas, the undersigned declare that they are a united national front for Somalia.

Be it Therefore Resolved:

That the undersigned hereby agree that this Declaration shall be binding upon each one of us; and

That, bearing in mind the efforts made in Nairobi in October 1996, Sodre in January 1997, Sanaa in May 1997, Cairo in May 1997, and the separate Cairo Understanding of 21 December 1997, respectively; and

That it shall be an indication of our unfailing desire to unite our people, protect their rights and form the institutions that can and will serve basic needs; and

That to preserve Somalia as an independent and indivisible State within internationally recognized boundaries; and

That Mogadishu is the capital of the Republic of Somalia, and for that we shall act to create an atmosphere conducive to peace in Mogadishu and its surroundings; and

That the Transitional Government will be bound by the rules of international laws and the objectives and principles of the United Nations and all other international and regional organizations in which Somalia is a member; and

That to respect all the international and regional conventions entered into by the former Somali Governments; and

That we pledge our lives and our sacred honour to protect and defend the precepts included herein.

Be it Further Resolved:

That the undersigned agree to convene a National Reconciliation Conference in Baidoa, the capital of Bay region, on the date of 15 February 1998; and

That all militias shall be encamped in pre-arranged sites in all conflict areas;

That a joint security force will be established for the National Reconciliation Conference; and

That the undersigned shall establish a national coordination committee to prepare, organize and hold the National Reconciliation Conference; and

That the National Reconciliation Conference will be constituted of four hundred and sixty-five (465) delegates, who shall be allocated as follows:

(a) One hundred and sixty (160) delegates shall be allocated to the two sides participating in the Cairo Somali Meeting (80 delegates each);

(b) Ninety (90) delegates to specific northern Somali communities;

(c) Fifty-eight (58) delegates of the three Somali social groups not included in paragraphs (a) and (b) above;

(d) Twenty-three (23) delegates, 10 delegates, and 8 delegates for each of the three Somali social groups not included in paragraphs (a), (b) and (c) above.

That the delegates for the Conference shall be selected from all segments of Somali society. Such selection should be on a careful consideration of community balance; and

That invitations to attend the National Reconciliation Conference shall be extended to Governments, regional and international organizations as well as local and international mass media for the purpose of observing the deliberations and decisions of the Conference;

That the purpose of the National Reconciliation Conference shall be to elect a Presidential Council, and a Prime Minister and to adopt a Transitional Charter;

That the agenda for the National Reconciliation Conference shall expressly include:

(a) A Declaration of National Commitment that the Somali people desire the formation of a Constitutional Transitional Government guaranteeing individual freedoms and the creation of the democratic national Government; and

(b) A Declaration of Peace and Cooperation among the people of Somalia to work with the Transitional Government towards the establishment of a succeeding constitutional federal Government; and

(c) Adoption of a Transitional Charter, which shall serve as a framework of the branches of the established National Transitional Government for the protection of individual rights and fundamental liberties and shall be the supreme law of the land; and

(d) The organization of the established National Transitional Government on the basis of the Transitional Charter, shall specifically provide for the creation of:

(i) A Constituent Assembly with a Chairman and two Vice-Chairmen; and

(ii) Establishment of an independent judiciary, and prohibition of special courts; and

(iii) Election of the 13 members of the Presidential Council; and

(iv) Election of a Prime Minister who shall form and be the head of the Government in Transition.

That the National Reconciliation Conference shall be dissolved once it achieves the above agenda.

Be it Further Resolved:

That, pursuant to such provisions of a National Reconciliation Conference, there shall be a Government in Transition; and

That the accomplishment of such work, as described above, will receive the full support of the undersigned in its fulfilment and implementation.

Be it Further Resolved:

That the 13 members of the Presidential Council shall be designated as follows:

(a) Three members for each of the four major social groups in Somalia (12 members);

(b) One member of the remaining Somali social group (1 member).

That the Presidential Council shall, by simple majority vote, designate one of its members as President of the Presidential Council;

That the Prime Minister of the Transitional Government, designated by the National Reconciliation Conference, shall be responsible for establishing the programmes, executive functions of the Transitional Government and public administration. The Prime Minister shall also nominate the Ministers and Vice-Ministers and such other officials as he/she shall consider necessary to conduct the affairs of the Transitional Government as authorized by the Transitional Charter;

That there shall be established, as provided in the Transitional Charter, a Constituent Assembly which will function as a legislative authority as stipulated in the Transitional Charter;

That the Constituent Assembly will be composed of 189 members who shall be distributed as follows:

(a) Forty-six (46) seats are allocated to each of four Somali social groups (184 members);

(b) The remaining social groups are entitled to 3 and 2 seats respectively (5 members);

That there shall be established, as provided in the Transitional Charter, an independent judiciary system with no special courts;

That all functions and actions of the Transitional Government shall be effectual and binding upon the succeeding Government;

That the Transitional Government shall, as provided in the Transitional Charter, conduct, as soon as possible, a national census, from which an electoral system, including electoral registration, elections and other related democratic functions can be implemented;

That the Transitional Government shall act immediately to enlist the assistance of other nations in the fulfilment of all goals towards national unity and governance;

That the Prime Minister, acting on behalf of the Transitional Government, shall immediately take all steps necessary and continue to monitor the withdrawal of all confronting militias and the undersigned agree to offer any and all assistance and cooperation as may be required to permanently complete such disengagement;

That all checkpoints and lines of demarcation shall be withdrawn, and that the institution of such checkpoints and lines of demarcation shall be considered as a felonious act;

That ... the necessary actions to reopen the port and the airport of Mogadishu [shall be taken] as soon as possible; and

That the Transitional Government shall immediately take such actions as are necessary to implement and sustain full civilian enforcement of the rule of law as provided in the Transitional Charter;

That the Transitional Government will limit its existence, and therefore the time of completion of its responsibilities, to a period of three years, with a possible extension of two additional years as provided for in the Transitional Charter; and

That the popular approval of a permanent Constitution and first election of a succeeding Constitutional Government will be held before the completion of the transitional period and by the Transitional Government; and

Be it Further Resolved:

That there is a need for a permanent constitution to be drafted during the transitional period, which enshrines, inter alia, the fundamental rights, liberties and duties of the Somali people; and a system of checks and balances on the power of the Government should be established and approved through a national referendum;

That we, the undersigned, call upon all the Somali people to forget the painful differences of the past and to magnanimously work together for common forgiveness, reconciliation and the end of hatred and mistrust forever; and

That every Somali should recognize that our common survival, well-being, interests and development depend upon our solidarity, indivisible unity and mutual respect; and

That we need the help of, and appeal to, the nations of the world to assist us at this critical time of our history, and further appeal to the international community to recognize and support the Transitional Government of National Unity of Somalia upon its formation; and

That we are most grateful to the international and regional organizations that have so persistently contributed to the promotion of peace and national reconciliation in Somalia, particularly the United Nations, the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and members of the Movement of Non-Aligned Countries; and

That we are likewise grateful to the friendly nations that have so generously provided their assistance in this process, with special thanks and gratitude to the Government and people of the Arab Republic of Egypt and H.E. President Mohamed Hosni Mubarak for the enormous effort extended to enable us to come together and to conclude this unique, successful, historic and unprecedented breakthrough; and

That we express our deep appreciation to all the States members of the Intergovernmental Authority on Development (IGAD), namely, Kenya, Ethiopia, Djibouti, Eritrea, the Sudan and Uganda, for the collective and individual efforts in promoting peace and reconciliation in Somalia; and

That we are deeply appreciative to the Republic of Yemen for its contribution to and keen interest in the restoration of peace and promotion of national reconciliation in our country; and

That the undersigned are today confident and proud to announce to the entire world our belief that the work accomplished here in Cairo lays a solid foundation for a new, bright beginning for Somalia and ushers in a new era of peace and reconciliation dawning on our land; and

That we express profound thanks to Almighty God for having guided our steps towards the path of understanding, forgiveness, the attainment of common goals, the creation of a Government of National Unity and the restoration of Somalia in its rightful place among the world community.

That this solemn Declaration is signed and sealed in Cairo this 22nd day of December 1997, 22nd day of Shabaan 1418, in nine (9) authentic originals, together with annexed signature page (see appendix) consisting of all the delegates, in the English language.

That all originals and their annex have the same force and effect.

That each delegation has received an original, with one original to be deposited with the Government of the Arab Republic of Egypt, the United Nations, the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference IGAD and the Movement of Non-Aligned Countries.

(Signed) Hussein Mohamed AIDEED
Co-Chairman

(Signed) Ali Mahdi MOHAMED
Co-Chairman

Appendix

Signatures

(Signed) Hussein Mohamed AIDEED
Co-Chairman

(Signed) Mohamed Haji ADAN
Member

(Signed) Hilowle Iman OMAR
Member

(Signed) Mohamed Nur ALIYOW
Member

(Signed) Mohamed Farah ABDULHAI
Member

(Signed) Mohamed Kanyare AFRAH
Member

(Signed) Ahmed Omar JES
Member

(Signed) Jama Mohamed GALIB
Member

(Signed) Abdilkarim Ahmed ALI
Member

(Signed) Abdirhman Farah ISMAIL
Member

(Signed) Ali Haji Mohamed JABIRI
Member

(Signed) Hassan Mohamed NUR
Member

(Signed) Mohamed Farah JIMALE
Member

(Signed) Mohamed Khalif SHIRE
Member

* * *

(Signed) Ali Mahdi MOHAMED
Co-Chairman

(Signed) Abdullahi Yousuf AHMED
Member

(Signed) Abdelkader Mohamed ADDAN
Member

(Signed) Adan Abdullahi Nur GABYOW
Member

(Signed) Osamir Hassan Ali ATTO
Member

(Signed) Abdi Mouse MAYOW
Member

(Signed) Mohamed Ragis MOHAMED
Member

(Signed) Abdullahi Sheikh ISMAIL
Member

(Signed) Omar Hagi MOHAMED
Member

(Signed) Abdi Osman FARAH
Member

(Signed) Abukar Abdi OSMAN
Member

(Signed) Mohamed Ali HAMED
Member

(Signed) Mohamed Abshir MOUSE
Member

(Signed) Ali Adan HUSSEEN
Member